

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**KIMBERLY DESIREE OTIS**

§  
§  
§  
§  
§

**CRIMINAL NO. 4:14-CR-024-ALM-CAN**

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 27, 2021, to determine whether Defendant violated her supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Colleen Bloss.

On September 8, 2015 United States District Judge Amos L. Mazzant, III sentenced Defendant to a term of sixty (60) months' imprisonment, five (5) years of supervised release, and a special assessment fee of \$100.

On March 31, 2021, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 247). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not purchase, possess, or use any controlled substance, except as prescribed by a physician; (2) Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer; and (3) Defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.

The Petition asserts that Defendant violated these conditions because: (1) Defendant admitted to using opiates and benzodiazepines on June 1, 2020, tested positive for benzodiazepines on September 21 and November 18, 2020, admitted to using benzodiazepines without a prescription on March 15, 2021, and tested positive for benzodiazepines and marijuana on March 19, 2021; (2) Defendant had contact with a convicted felon on July 15, 2020 without permission from her probation officer; and (3) Defendant did not notify her probation officer within seventy-two (72) hours after having contact with the Daingerfield Police Department on July 15, 2020.

At the April 27, 2021 hearing, Defendant entered a plea of true to allegation 1, and the Government dismissed allegations 2 and 3. *See* Dkt. 258. Defendant also consented to revocation of her supervised release and waived her right to appear before the District Judge. *See* Dkt. 259. The Court finds that Defendant has violated the terms of her supervised release, and thus, her supervised release should be revoked.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the April 27, 2021 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of five (5) months, followed by twenty-four (24) months of supervised release with the same conditions of release previously imposed, with the exception of obtaining a GED, as Defendant has satisfied this condition. The Court further recommends Defendant be placed at a Federal Bureau of Prisons facility in Bryan, Texas, if appropriate.

**So ORDERED and SIGNED this 28th day of April, 2021.**

A handwritten signature in black ink, appearing to read 'KLP', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE